

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

Civil Action No.1:06-CV-00228

JACOB ADAMS,

Plaintiff,

Vs.

**BANK OF AMERICA, N.A.,
FREDERICK J. HANNA &
ASSOCIATES, P.C., DENNIS E.
HENRY, Esquire, CHERIE
WILSON, Legal Assistant,
BERNHARDT & STRAWSER, P.A.,
ROBERT J. BERNHARDT, Esquire
P.C., John Doe, Jane Doe, One Up,**

Defendants.

**MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO STATE A
CLAIM FILED BY DEFENDANTS BERNHARDT & STRAWSER, P.A., ROBERT J.
BERNHARDT, ESQUIRE, P.C., and OTHER UNNAMED DEFENDANTS WITHIN
BERNHARDT & STRAWSER, P.A.,**

NOW COME Defendants Bernhardt & Strawser, P.A., Robert J. Bernhardt, Esquire P.C., and other unnamed defendants within Bernhardt & Strawser, P.A. (collectively, the "Bernhardt Defendants"), by and through counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and move to dismiss Plaintiff's complaint for failure to state a claim upon which relief can be granted. In support of this motion, the Bernhardt Defendants show the Court that Plaintiff has failed to satisfy general pleading requirements, in that his incoherent complaint woefully fails to put the Bernhardt Defendants on notice as to what claims are being made against them or how they may have acted wrongfully, and the Bernhardt Defendants cannot reasonably be expected to prepare a response to the allegations. Plaintiff's allegations also fail to meet

pleading requirements for the Fair Debt Collection Practices Act, RICO, and all other common law or statutory claims which he purports to allege in his complaint.

In further support of this motion, the Bernhardt Defendants rely on the attachments hereto and the Memorandum of Facts and Law filed contemporaneously herewith.

Pursuant to Local Rule 7.3(c)(1), and in light of the fact that Plaintiff's complaint is one of over a dozen nearly identical pro se lawsuits filed recently, all in an effort to avoid paying credit card debt (*see* Exhibit A), the Bernhardt Defendants request that a hearing be held on this motion at the Court's earliest convenience.

This the 30th day of March, 2006.

POYNER & SPRUILL LLP

/s/ Joshua B. Durham
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ATTORNEYS FOR MOVANTS

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing document was served this date by mailing a copy thereof, first class mail, postage prepaid, to the following:

Jacob Adams
113 Orville Drive
High Point, North Carolina 27260

This the 30th day of March, 2006.

/s/ Joshua B. Durham
Joshua B. Durham